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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,604	01/24/2002	Rosa O. Kelson	13575:10	2927
39191	7590	07/12/2005	EXAMINER	
KOESTNER BERTANI, LLP P.O. BOX 26780 AUSTIN, TX 78755			CRONIN, STEPHEN K	
			ART UNIT	PAPER NUMBER
			3727	

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/057,604

Applicant(s)

KELSON, ROSA O.

Examiner

Stephen K. Cronin

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings were received on May 24, 2004. These drawings are approved.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 7-9, 12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Stoops 5,251,945.

Stoops teaches a device for protecting and transporting articles comprising a continuous cradle 12, carrying straps 48, a restraining strap 34, a handle 52, and the device folds into a compact shape when not in use (see column 5 lines 44-50). The method recited in claims 8, 9, 12 and 13 are clearly anticipated by the structure set forth in the figures and the function of the device taught in the specification of Stoops.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-6, 10, 11 and 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stoops 5,251,945 in view of Marsh, Jr. 5,505,353.

Stoops teaches the claimed device except for making the carrying straps adjustable in length and providing a second restraining strap. Marsh teaches a similar article carrier comprising a carrying strap with a means for adjustment 96 and two restraining straps 102. To provide the carrying strap of Stoops with a means for adjustment in the manner as taught by Marsh in order to allow the length of the strap to be adjusted for a particular user or purpose would have been obvious to one of ordinary skill in the art. To further provide the Stoops carrier with a second restraining strap in the manner as taught by Marsh to provide increased support to the device being carried would also have been obvious to one of ordinary skill in the art. The method recited in claims 10 and 11 is clearly obvious over the structure set forth in the figures and the function of the device taught in the specification of Stoops as modified by the structure set forth in the figures and the function of the device taught in the specification of Marsh.

Response to Arguments

6. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

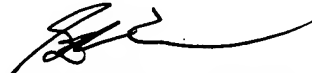
Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen K. Cronin whose telephone number is 571-272-4536. The examiner can normally be reached on M-F 8:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Stephen K. Cronin
Primary Examiner
Art Unit 3727

skc

IN THE DRAWINGS

The drawings are objected to under 37 CFR 1.83(a). The examiner states that the drawings fail to show a means for adjusting the length of the carrying straps. The applicant respectfully submits that a proposed drawing correction is attached, wherein a length adjustment device 22 is clearly shown in Figure 2. The applicant respectfully submits that no new matter is added with this drawing correction, as a length adjustment device is identified on page 9, lines 12-13, and the first paragraph on page 10, as currently amended.

A redlined version of page 1 of the drawings is enclosed with corrections. A length adjustment device 22 is added to FIG. 2 at the top of each carrying strap 20.

Approved *see*
7/8/05



1/6

FIG. 1

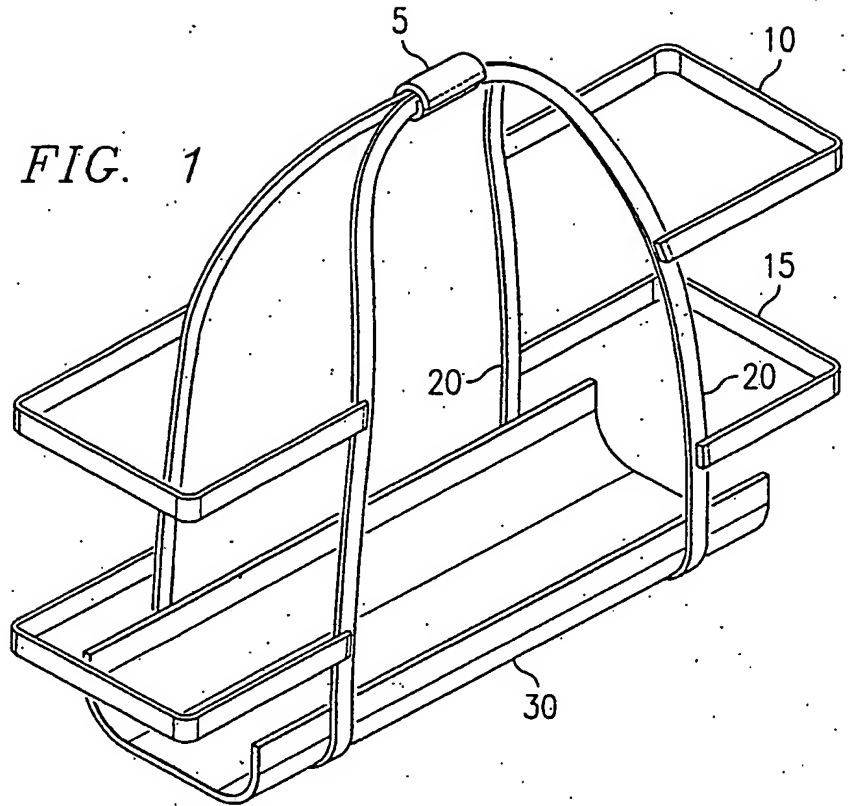
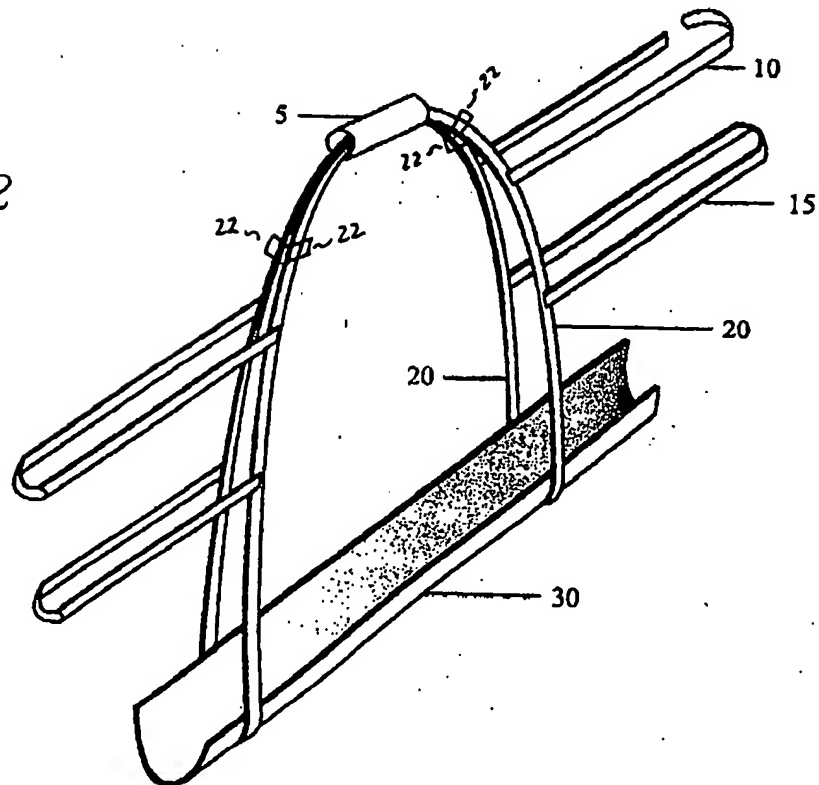


FIG. 2



Approved &
7/8/05